

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMIE MICCIO,

Plaintiff,

DEFENDANT'S
RULE 26(a)(1) INITIAL
DISCLOSURES

v.

CONAGRA FOODS, INC. and/or
SIMONIZ USA, INC. and/or
EPIC INDUSTRIES, INC. and/or
KECK'S FOOD SERVICE, INC.

Index No. 6:61-cv-06140

Defendants.

Pursuant to FRCP Rule 26(a)(1) and the Local Rules of the Western District of New York, Defendant, KECK'S FOOD SERVICE, INC., by and through their attorney, provides the following disclosure pursuant to the Pretrial Scheduling Order and the applicable Federal and Local Rules:

A. Individuals with discoverable information:

1. Brian Keck, President-CEO
Keck's Food Service, Inc.
2796 Route 328
Millerton, PA 16936
1-570-537-2515 ext. 212
2. Don Pettitt, Regional Manager- Keck's Food Service, Inc.
3. Brian Moser, Sales representative for Keck's Food Service, Inc.
4. Dennis Joy, Operations Manager-Janitorial Division
Simoniz USA, Inc.
800-227-5536 ext. 112
5. Sam Levine, Management Level Contact at Simoniz
6. Linda, Aunt of Sisters Restaurant owners
(first person to convey the aerosol pan release was laid directly under the flat top)

7. Julie Trudeau, Owner of Sisters Family Restaurant
484 Waverly Street
Waverly, NY 14892
609-206-4274
8. Tammi Blow, Owner of Sisters Family Restaurant
33 Finch Street
Lowman, NY
607-857-2304
9. Jaime Miccio
380 Sturdevant Road
Gillett, PA 16925
10. Representative from ConAgra Foods, Inc.
11. Responding emergency personnel and fire investigation teams
12. Those individuals identified by the other parties

The defendant also anticipates calling various medical providers listed in plaintiff's disclosure as well as any other independent medical evaluators retained to evaluate the plaintiff. Defendant reserves the right to call any other individuals that may be revealed throughout the course of discovery up to and including the time of trial.

B. Copies of Documents:

1. Photographs of the Swell EP-1312 can label
2. Photographs of box containing swell aerosol food release cans
3. Photographs of the flat grill area
4. Tioga County Fire Investigation Team Incident Report.
5. Tioga County Fire Investigation Team Fire Investigation Results.
6. Epic Industries' Invoices dated 6/18/2014, 6/20/2014, 7/8/2014, and 7/18/2014.
7. Invoice for Sisters Restaurant for Kecks Oil Release Food Spray dated 7/3/2014.
8. Keck's Food Service aerosol spray sales.

9. Material Safety Data Sheet for Keck's Food Release.

Other than the documents previously provided to defendant by plaintiff's counsel, defendant is not in possession of any other documentation at this time.

C. Computation of Damages: Not applicable to defendant.

D. Copy of Insurance Agreement:

A copy of defendant's applicable insurance agreement is available for review at the Law Offices of Destin C. Santacrose upon request. Defendant would state that, at the time of this accident, it had in effect a policy of insurance with The Netherlands Insurance Company, Policy No. CBP 8202574 , with policy limits of \$1,000,000 per occurrence and \$2,000,000 aggregate. Defendant also had in effect an umbrella policy with Peerless Insurance Company, Policy No. CU 8205979 with a \$10,000,000 policy limit. Additionally, Defendant had in effect an excess policy with The Ohio Casualty Insurance Company, Policy No. ECO (14) 53768021 with a \$15,000,000 policy limit.

Defendant expressly reserves the right under Fed. R. Civ. P. or pursuant to Court Order to amend and supplement their Rule 26(a)(1) disclosures through the close of discovery and up to and including the time of trial in this action.

DATED: Buffalo, New York
September 8, 2016



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Attorneys for Conagra Foods, Inc.
Carmody, Torance, Sandak, Hennessey, LLP
Phone: 203-573-1200
Email: tmichaelis@carmodylaw.com

1

FOR INSTITUTIONAL USE

PURE VEGETABLE OIL



Swel

NATURAL

FOOD RELEASE SPRAY

ROCID DE SOLTAR COMIDA

Item code EP-1312

STOPS STICKING
QUICK EASY CLEAN-UP
AIDS DOUGH SPREADING

Jepic INDUSTRIES
1001 10th Ave. N. Suite 100
Minneapolis, MN 55412
Tel: 612-338-1000 Fax: 612-338-1001
www.jepic.com

CAUTION: FLAMMABLE SPRAY

USE WITH CARE
READ BACK PANEL CAREFULLY

NET WT 16 OZ (454g)

JFF (blumcliff@a)

UNDER BY STO
ENT BY STO
London will
increase for Gal
little behind sci
a week of Septe
you'd like to p

Keck's Food Release contains a blend of pure vegetable oils and high grade lecithin (the key ingredient in food release). Lecithin, a refinement of soybean oil, adheres to pan surfaces when heated and forms a clear, smooth, protective coating which prevents food from sticking.

The most versatile release formula made: it contains no salt, no color, no taste. Water is used as a carrier which flashes off immediately after hitting the pan - leaving a rich thick coating of lecithin.

DIRECTIONS:

(1) Shake can and align arrow on button with dot on rim. (2) Hold can about 10" from surface to be sprayed, and away from heat source, sparks or flame. (3) Spray a light coating over entire area to be used. Do not overspray. (4) For best results heat pan before adding food. Avoid excessive heat and do not refrigerate can. Note: Can sprays best at room temperature 68°-75°F.

WARNING: Do not spray near open flame or heat source. Use only as directed. Never spray directly into oven. Remove broiler pan from oven before spraying pan. Never leave can on stove or near source of heat. Store below 120°F. Although container is intended to vent pressure at a controlled rate, through vents in top rim if overheated, exposure to sudden high temperatures may cause violent bursting. Contents under pressure. Do not puncture or incinerate. Keep out of the reach of children. Do not spray in or near eyes. Use in adequate ventilation. Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

Keck's



Premium Food Release Spray

ROCIO DE SOLTAR COMIDA

**STOPS STICKING
QUICK EASY CLEAN-UP
AIDS DOUGH SPREADING
NATURAL**



**CAUTION: FLAMMABLE SPRAY
CONTENTS UNDER PRESSURE.
READ BACK PANEL CAREFULLY.**

**NET WT. 1 LB. 0Z.
(1 LB.) 453g**

Nutrition Facts

Serving Size 1/2 fl. oz. (14.9 ml)
Amount Per Serving

Calories 0 (0 Calories from Fat)

Total Fat 0g

Saturated Fat 0g

Cholesterol 0mg

Sodium 0mg

Total Carbohydrate 0g

Protein 0g

Percent Daily Values are based on a diet of other people's secrets.

Not a significant source of dietary fiber, sugars, vitamin A, vitamin C, calcium, and iron.

*Percent Daily Values are based on a 2,000 calorie diet.

INGREDIENTS: Soybean Oil,
Soy Lecithin and Propellant
Contains: Soy

- STOPS FOOD FROM STICKING TO COOKING SURFACES
- MAKES CLEAN-UP EASY
- ADDS NO FLAVOR
- ALL NATURAL - PURE VEGETABLE
- ECONOMICAL TO USE
- CONTAINS NO WATER

DISTRIBUTED BY
KECK'S FOODS SERVICE
Route 328
Miderton PA 16937
Phone: 800-245-5323

190716

Shake Well • Point Arrow Towards Dot

Food Release Spray

Nutrition Facts

Per 1/2 G. spray (0.25g)
Servings Per Container about 1467

Amount Per Serving

Calories 0 Calories from Fat 0

% Daily Value*

Total Fat 0g 0%

Saturated Fat 0g 0%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 0mg 0%

Total Carbohydrate 0g 0%

Protein 0g

Not a significant source of dietary fiber,
sugar, vitamin A, vitamin C, calcium,
or iron.

*Percent Daily Values are based on a
diet of 0.000 calories.

INGREDIENTS:

SOYBEAN OIL,

SOY LECITHIN, PROPELLANT,

CONTAINS: SOY.

- STOPS FOOD FROM STICKING TO COOKING SURFACES
- MAKES CLEAN-UP EASY
- ADDS NO FLAVOR
- ALL NATURAL VEGETABLE OIL
- ECONOMICAL TO USE
- CONTAINS NO WATER



810038564

DOT 10 10748 DSC



84349 01323

Shake Well • Point Arrow Towards Use

Suwi. Food Release Spray helps prevent food from sticking to all types of surfaces and makes clean-up quick and easy. It contains no preservatives or artificial ingredients. The wide spray pattern provides for a rapid application without bare spots.

Suwi. Food Release Spray saves you time and money!

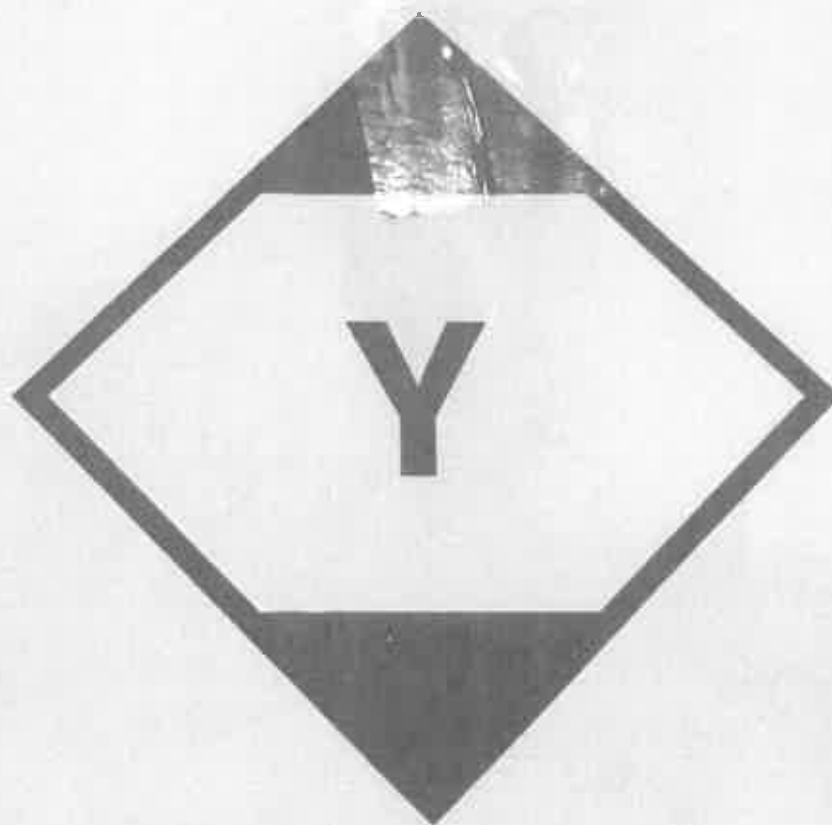
Directions for Use:

Do not use near stoves, oven, sparks or flames. Hold can about 10 inches away from surface to be coated and spray a light coating over entire surface. DO NOT overspray. Use adequate ventilation. Can sprays best at room temperature of 68°-75°F.

WARNING: FLAMMABLE SPRAY. DO NOT SPRAY ON HEATED SURFACES OR NEAR OPEN FLAME. NEVER SPRAY DIRECTLY INTO OVEN. REMOVE BROILER PANS FROM OVEN BEFORE SPRAYING. CAN MAY BURST IF LEFT ON STOVE OR HEAT SOURCE. AVOID SPRAYING IN EYES. USE IN ADEQUATE VENTILATION. USE ONLY AS DIRECTED. CONTENTS UNDER PRESSURE. DO NOT PUNCTURE OR INCINERATE. DO NOT STORE ABOVE 120°F. KEEP OUT OF REACH OF CHILDREN. INTENTIONAL MISUSE BY DELIBERATELY CONCENTRATING AND INHALING THE CONTENTS CAN BE HARMFUL OR FATAL. FOR MORE EDUCATION ABOUT PRODUCT ABUSE, CONTACT THE ALLIANCE FOR CONSUMER EDUCATION AT WWW.INHALANT.ORG

Suwi.

2



**UN 1950
Aerosols
(Contains Isobutane)
Limited Quantity**

**Division 2.1
Inside Containers
Comply With
Prescribed Regulations
Level 3 Aerosol**

THIS SIDE UP
AEROSOL CANS

KEEP FROM EXTREME

HEAT OR COLD

STORE BELOW 120°F

6/16 oz SWELL
FOOD RELEASE

5401314800L21508

BEST BY MAY1815



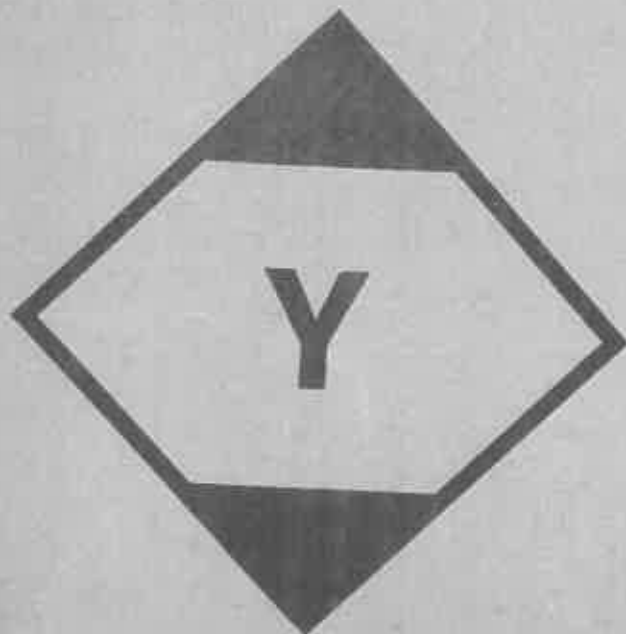
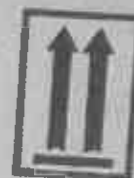
1008434901 5339

LEVEL 3 AEROSOL
STOCK NO
84349 01323

Dist By: EPIC INDUSTRIES
1007 JERSEY AVE.
NEW BRUNSWICK, NJ
08901 U.S.A

2

Aerosols, (contains isobutane) Limited Quantity



UN 1950
Aerosols
(Contains Isobutane)
Limited Quantity

Division 2.1
Inside Containers
Comply With
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Level 3 Aerosol

THIS SIDE UP
AEROSOL CANS

KEEP FROM EXTREME

HEAT OR COLD

STORE BELOW 120°F

6/16 oz SWELL
FOOD RELEASE

5401314800L215'08

BEST BY MAY1815



100314 54901 52 32

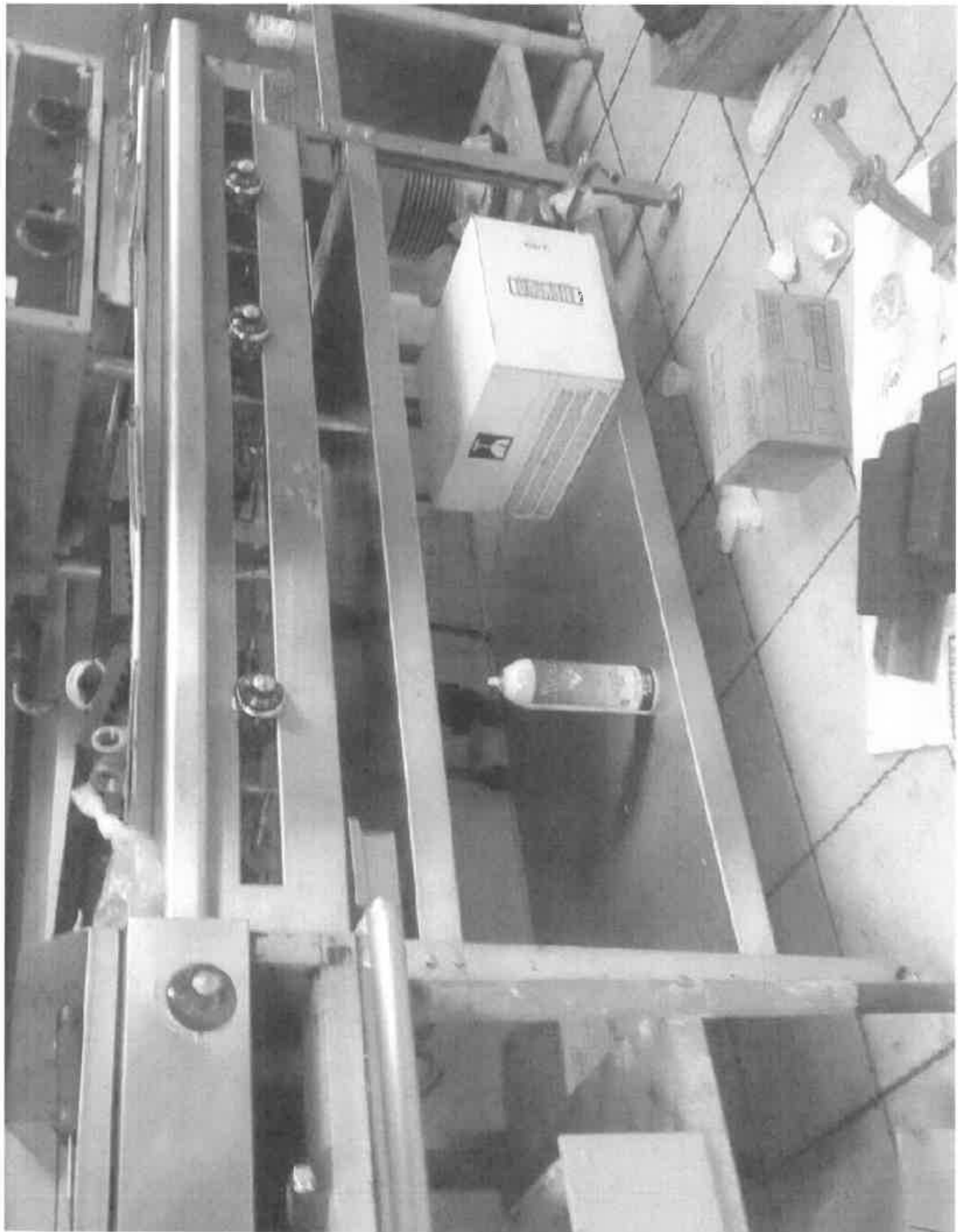
LEVEL 3 AEROSOL
STOCK NO
84349 01323

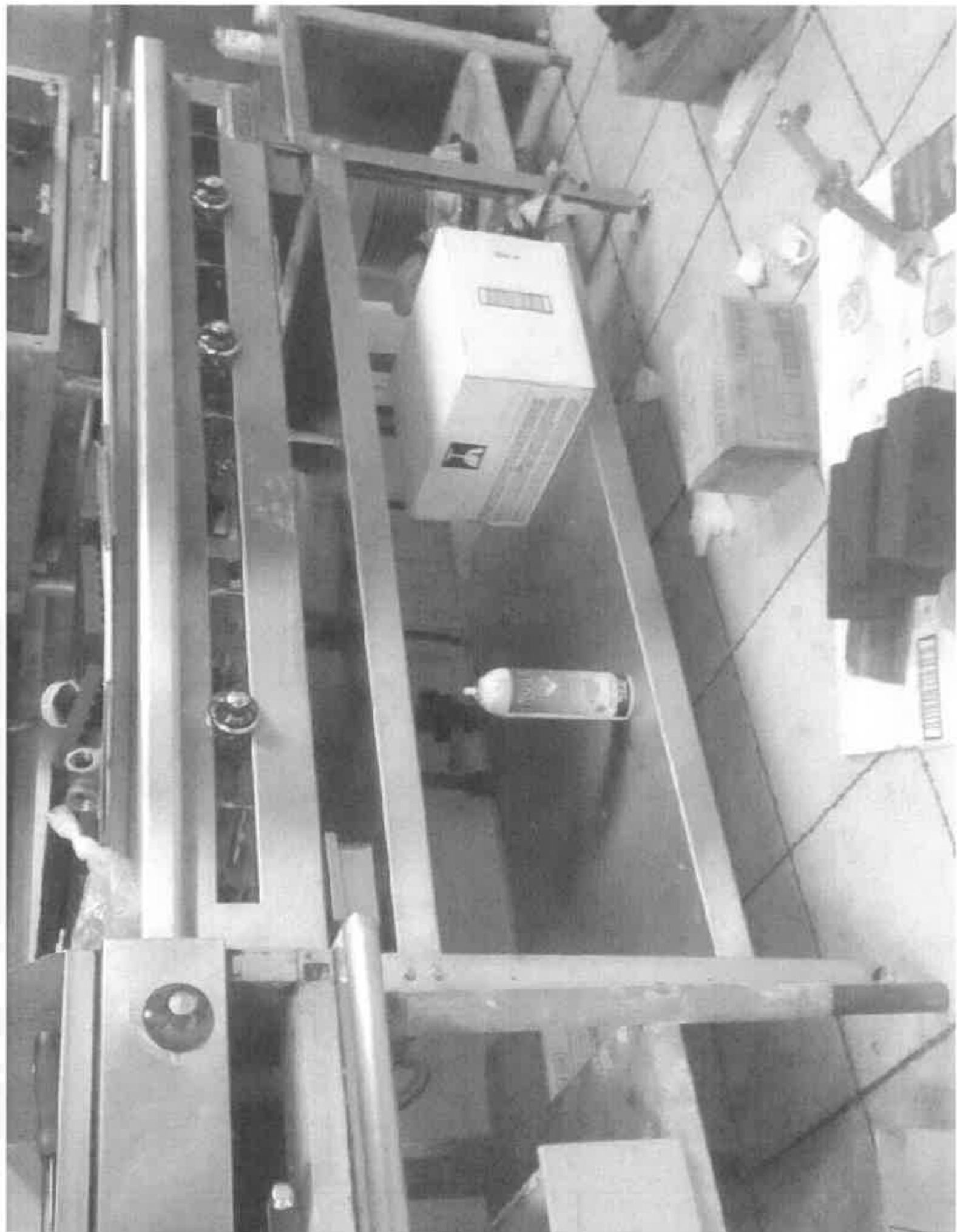
Dist By: EPIC INDUSTRIES
1007 JERSEY AVE.
NEW BRUNSWICK, NJ
08901 U.S.A

2

Aerosols, (contains isobutane) Limited Quantity

3





4

TIOGA COUNTY FIRE INVESTIGATION TEAM

Structure Fire Investigation

RESPONSE AND DUTY LOG

Incident Number: 023937 19 Date: 7-7-14

TIME DATA:

Completed: 11:00

Returning: 10:20

Name: 0544 Activated: 02:51 En route: 02:05

Arrived: 02:30

Total Hours: 2.7

At Scene Hours: 2.53

Responders

| | | | |
|----------------------------|---------------------------|------------------------------|--------------------------|
| Scott 1571: <u>✓</u> | Fedorowicz 1577: <u>✓</u> | Standinger 1582: <u>✓</u> | Daniel 1586: <u>✓</u> |
| Okrasinski 1572: <u>✓</u> | Bonovan 1578: <u>✓</u> | Welch 1583: <u>✓</u> | Churchman 1590: <u>✓</u> |
| Martinichio 1573: <u>✓</u> | M. Kemp 1580: <u>✓</u> | VanNordstrand 1584: <u>✓</u> | |
| Gillmeister 1576: <u>✓</u> | Hamilton 1581: <u>✓</u> | 1585: <u>✓</u> | |

TCSD: ✓ NYSP: ✓ CPD: ✓ NVPD: ✓ OPD: ✓ SPD: ✓ WPD: ✓

Weather conditions affecting fire suppression or response: None Wind

Ice ✓ Snow: ✓ Heat ✓ Other/ explain: ✓

Response & Duty Log FI #1: 1572

Accidental Cause Review FI #6: 1572

Investigation Permit FI #2: ✓

Fatal Fire Report FI #7: ✓

Fire Fighter Interview FI #3: ✓

Incident Report FI #8: 1572

Witness Interview FI #4: ✓

Investigation Report FI #9: 1572

Fire Discoverer FI #4A: ✓

Computer Input Data FI #10: ✓

Owner/Occupant Interview FI #5: ✓

Property Documentation FI #13: ✓

Spouse Interview FI #5: ✓

Physical Evidence Gathered by: ✓

Photo Log: 1577

Sketches by: 1584

Photos: Digital ✓ Video: ✓ Others: ✓ PE: ✓

DOGA COUNTY FIRE INVESTIGATION TEAM
INCIDENT REPORT

Incident # 02-1177

Date of Investigation 2-11-14

Incident Location: 2 South Cherokee St. Waverly

Report by: True Eastern Restaurant

State of North Carolina

Owned by:

Tam Blou

Julie Trudon

Owner or Occupant's temporary location:

Phone

Findings: The kitchen fire started at a natural gas 3 burner grill. An aerosol can was found on the shelf below the burner. Cause of the fire was a BLEVE and ignition of propellant from the aerosol can of Soybean oil food release spray.

Evidence Taken: (Yes) No by: Waverly PD

Description of Evidence:

Analysis Requested

Item #

#1

#2

#3

#4

#5

#6

#7

Evidence turned over to:

Time:

Date:

T. D. Prosser
Investigator

Date

INCIDENT REPORT (cont.)

Fire Department's Title: _____

Jurisdictional Department: Memphis Officer in Charge: Det. Howard

Other Fire Department's on scene: _____

Mobile Home N/A X

Year: _____ Make: _____ Model #: _____

Length: _____ Width: _____ Serial #: _____

Statements Taken

| | Written | Taped | Oral | | Written | Taped | Oral |
|-----------|----------|-------|-------|-----------------|---------|-------|-------|
| Owner | <u>✓</u> | _____ | _____ | Fire Discoverer | _____ | _____ | _____ |
| Occupant | _____ | _____ | _____ | Fire Fighter(s) | _____ | _____ | _____ |
| Witnesses | _____ | _____ | _____ | Others | _____ | _____ | _____ |

Evidence Information

Approximate number of Photo's Taken: 77 by: 1377

Video Taken: Yes /No by: _____

Sketch(s) Made by: 1377

Alarm Information

Alarm: 05:47 hours Day of Week: SUN

Investigators Requested: 0701

Investigators Arrived: 07:20

Alarm received by: 911

Discovered by: Jamie Miccio

J. O'Brien
Investigator

77-1377-74
Date

Area of Origin - Accidental Cause Review

D. ~~Gas Appliances~~ (Other: Room Heating & Cooking) Yes No Unknown

Type of Gas? LP / Propane

4. ~~Appliance~~

5. Gas Line, PIG? 2" galvanized Galvanized Plastic

6. ~~Notes~~

E. ~~Overheating of Machinery~~ Yes No Unknown

1. ~~Item?~~ Light

2. ~~Make?~~ Model? S/N?

F. ~~Welding/Cutting Torches~~: Yes No Unknown

G. ~~Careless storage/handling of Flammable Liquids or Associated Equipment~~: Yes No Unknown

H. ~~Friction or Sparks~~: Yes No Unknown

I. ~~Lightning~~: Yes No Unknown

J. ~~Playing with Matches~~: Yes No Unknown

K. ~~Spontaneous Combustion~~ Yes No Unknown

L. ~~Ignition from Adjacent Fire~~ Yes No Unknown

M. ~~Smoking/Matches~~ Yes No Unknown

N. ~~Combustible Material near Heat Sources~~ Yes No Unknown

O. ~~Fireworks~~ Yes No Unknown

P. ~~Other~~

F. Presimili

Investigator

7-13-14

Date

TIOGA COUNTY FIRE INVESTIGATION TEAM
Area of Origin - Accidental Cause Review

Incident Number: 02 7932 10

A Heating Appliances: Yes ☒ No ☐ Unknown ☐

1. Furnace? _____ Wood Stove? _____ Space Heater? _____ Fireplace? _____
2. Fuel Type? _____ (check all that apply)
3. Make? _____ Type? _____ Model _____ SN? _____
4. Condition of Chimney? _____ Flue Pipe? _____
5. Heat Runs? _____ Other? _____
6. Hot Coals/Ashes? _____

B. Cooking Appliances ☒ Yes ☐ No ☐ Unknown ☐

1. Kitchen Range? _____ Fuel? _____
2. Hot Plate? _____ Fuel? _____
3. Other? Grill Therma Tek Fuel? Not Gas
4. Controls/Burner Settings? Left Rear 350° Right Rear 350° Left Front 350° Right Front 350°
Oven Setting _____ Other _____
5. Make? Therma Tek Type? Grill Model TC60-60TEN SN? 14FD1010C
* Shut off by officer Sackett

C. Other Electrical Items ☐ Yes ☒ No ☐ Unknown ☐

1. Item? _____ Make? _____ Model? _____
2. Serial Number? _____ Control Setting? _____
3. Describe Damaged or Defective Wiring or Installation: _____

1584 + 1590
Investigator

7-13-14

Date

4 128437

7-13-14

Two Sisters Restaurant

2 S. Cherry St

Waverly

Tamara Blow

Julie Trudon



owner

201

Adrian Blow

Matthew Trudon

May 21st transfer of ownership June 1st

Jamie Miccio in and employee

partner agency

7 and Okrasinski

7-13-14

100' 0"



14-023437
2 North Avenue St.



100' 0"



Scale 1/4" = 1'-0"
Not to Scale
Drawing by 1584



Summary

At 24 hours, 1/10/07

1. $\frac{1}{2} \log \frac{1}{2}$

1. *Conium maculatum* L. (poisonous)
 2. *Chopped onions, apple sauce, etc.*
 3. *Mustard fruit, over ripe etc.*

RECEIVED

57. *Arctostaphylos*

[illegible]

1000

Please call Gabe
from Father's Family
Restaurant - Had a N
incident



32 ITHACA STREET
WAVERLY, NY 14892-
(607)565-2836

Entry/CC#: WV-020889-14 Date: 07/13/2014 Time: 05:44 Tour: 1 Desk Officer: 1W03

Call Type.....: ASSIST-OTHER Priority...: 1 How Received: E911
Orig Call Type: FIRE

Caller.....: SISTERS FAMILY RES,

Bus. Name...:

Address.....: 2 N CHEMUNG

City/St/Zip: WAVERLY VILLAGE, NY

Call Back #: 565-2010

Location of Assignment: 2 N CHEMUNG, WAVERLY VILLAGE

Cross Street...:

Business Name...:

Description.....: KITCHEN FIRE WITH INJURIES

Disposition.....: ASSIGN COMPLETE

Post: WAV

Dispatched: Y

Dispatched Date: 07/13/2014

Call Taker: 591

OFFICERS INVOLVED

Serial #: PRES D Rank: SGT Name: DAVID PRESHUR

Serial #: SACK C Rank: PTL Name: CHAD SACKETT

Serial #: GUILM Rank: Name: WP GUILFORD, MIKE

Serial #: WEST B Rank: Name: WP WEST, BRIAN

UNITS INVOLVED

Unit: Officers: {}

Disp. Time: | Arr. Time: | Comp Time:

Rcv'd to Comp: 00:00 :: Disp to Comp: 00:00

Unit: 1W11 Officers: (SACKC)

Disp. Time: 05:45 | Arr. Time: 05:45 | Comp Time: 08:00

Rcv'd to Comp: 2:16 :: Disp to Comp: 2:15

Unit: 1W12 Officers: (PRES D)

Disp. Time: 05:45 | Arr. Time: 05:45 | Comp Time: 07:41

Rcv'd to Comp: 1:57 :: Disp to Comp: 1:56

Unit: 1W15 Officers: (GUILM, WESTB)

Disp. Time: 07:17 | Arr. Time: 07:17 | Comp Time: 08:00

Rcv'd to Comp: 2:16 :: Disp to Comp: 0:43

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....: SISTERS FAMILY RES, DOB: 01/01/1900

Address.....: 2 N CHEMUNG

City/State/Zip: WAVERLY VILLAGE, NY

Phone Number...: 565-2010

Sex.....: Race:

Person Type...: CALLER

Name.....:MICCIO, JAMIE LYNN DOB:09/04/1984
Address.....:
City/State/Zip:,
Phone Number...:
Sex.....: Race:
Person Type...:VICTIM

Name.....:TRUDEAU, JULIE A DOB:04/01/1979
Address.....:484 WAVERLY STREET
City/State/Zip:WAVERLY, NY 14892-
Phone Number...:
Mobile Number...:6072064274
Sex.....: Race:
Person Type...:OWNER

Name.....:BLOW, TAMMI DOB: / /
Address.....:33 FINCH STREET
City/State/Zip:LOWMAN, NY
Phone Number...:
Mobile Number...:6078572304
Sex.....:F Race:

Name.....:SISTERS FAMILY RES, DOB:01/01/1900
Address.....:2 N CHEMUNG
City/State/Zip:WAVERLY VILLAGE, NY
Phone Number...:565-2010
Sex.....: Race:
Person Type...:CALLER

NARRATIVE

Responded to the Sister's Family Restaurant, located at 2 North Chemung Street, for a fire with injuries. When we arrived on the scene we did find Jamie Lynn Miccio lying in the grass in the area where the old tank use to be. She was lying on her back and she did have a cordless phone with her. Observed that she did have third degree burns of the face, arms lower legs and front belly area. Her hand were third degree burns with possible second degree burn under each thumb area on the pad of her hand. She was treated at the scene by GVEMS and taken to the RPH. Later we learned she was to be transferred to Leigh Memorial which is down by Scranton. The only relevant conversation about the incident was that she had pulled the Ansul Fire Suppression System before she left the building.

1W03

Officer arrived on scene with 1W03 and found Miccio in the grassy area just to the south of the Restaurant with obvious burns to her face, belly, and all four extremities. Officer advised dispatch of ther injuries and 1W03 stayed with Miccio while this officer went inside the restaurant to check on the fire.

Officer found the fire to be extinguished, however, all three burners

on the flat griddle were still set at 350 degrees. Officer turned all three burners off and exited the building.

Officer advised Fire Chief Howard of Miccio's status and the status of the fire. Through investigation, it was determined that there was a gas buildup under the grill for reasons yet to be determined and the buildup eventually ignited and did completely engulf Miccio's person as she was stocking eggs into a refrigerator located directly in front of the grill.

Officer did obtain video surveillance as well as still photos of the incident and scene. All were placed on the "W" drive under case file videos and case file photos. Officer prepared a DVD of the video and photos and provided it to Frank Osriskinski of the Tioga County Fire Investigation Team whom was called in due to the severity of Miccio's injuries. CS #1W24//

Officers West and Guilford arrived on scene to relieve the two A-line officers who briefed us on the incident. At that point I had Officer Guilford go and secure the kitchen entrance so no unauthorized persons could enter the area, until it was cleared by the Fire Investigation Unit.

When the investigation team arrived on scene, they determined the cause of the fire was from an aerosol can stored under the gas grill. The can of Food Release Spray was photographed and taken by this officer for evidence.

After the scene was cleared by the investigation unit, the area was turned over to the owners without incident.

Back at the office, we were met by Inv Frank Okrasinski who gave us a copy of the fire investigation, which will be placed in the case file. The can of Food Release Spray was placed into evidence under tag# 6593 and placed into locker # 10 in the evidence room.

The case file will be completed by the Sgt Preshur on his tour of duty.
BPW.

5

**TIOGA COUNTY FIRE INVESTIGATION TEAM
FIRE INVESTIGATION RESULTS**

Incident # 023437 Date of Investigation: 7-13-14
Incident Location: 2 N. Clemens St. Waverly
Occupied by: Two Sisters Restaurant

Date of Birth (mm/dd/yyyy)

Date of Birth (mm/dd/yyyy)

Owned by: Tami Blow 2-21-81
Julie Trudau 4-1-78

Date of Birth (mm/dd/yyyy)

Date of Birth (mm/dd/yyyy)

Owner or Occupant's temporary location: _____
Phone _____

Findings: The kitchen fire started at a natural gas 3 burner grill. An aerosol can was found on the shelf below the burner. Cause of the fire was a BLEVE and ignition of propellant from the aerosol can of soybean oil food release spray

Fire Cause: Accidental Incendiary Undetermined Under Investigation

If the fire is determined to be ACCIDENTAL or UNDETERMINED, this document will be considered as the final report from the investigation team, pending any further developments. If the fire is determined to be INCENDIARY or UNDER INVESTIGATION; **THIS IS A CONFIDENTIAL PRELIMINARY REPORT NOT FOR PUBLIC DISCLOSURE OR RELEASE TO THE NEWS MEDIA.** The Tioga County Fire Coordinator's Office will periodically provide unclassified follow-up information regarding the status of the incident if so requested. No classified information will be released that may jeopardize an investigation in process. Media inquiries should be directed to the Tioga County Sheriff's Department, Criminal Investigation Division. Agencies requesting copies of the Tioga County Fire Investigation Team reports should address their request's, in writing, to:

**TIOGA COUNTY BUREAU OF FIRE
103 Corporate Drive
Owego, New York 13827
607 687-8467**

Waverly Barton On Scene Fire Report

Run #: 113

Date: 7-13-14

Time Dispatched: 544

Time On Scene: 550

Time In Service: 10:25

Person / Entity Involved:

Business

Incident Address:

2. Home Owners St (B)

Type Of Alarm:

Fire in Grill Area

Action Taken:

12:05

**** If Structure Fire - Structure Fire Report Must be Filled Out ****

Was Mutual Aid Requested - Yes Or No?

No

If Yes Who:

Specific Use:

Brief Description Of Incident Or Other Information:

Garage fire in Grill Area Gas Report from T.C.F.I. Team.

**** Fill In Section Below For Vehicle Fires Only ****

Year Of Vehicle:

Make Of Vehicle:

Type Of Vehicle:

Area Of Origin:

Cause Of Ignition:

Brief Description Of Incident Or Other Information:

6

EPIC INDUSTRIES
1007 JERSEY AVENUE
NEW BRUNSWICK, NJ 08901

1210

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TO: KECKS FOOD SERVICE
2796 ROUTE 328
MILLERTON, PA 16936
ATTENTION DON STUART
ORDER NUMBER 253200
R.O. 82280

2/1/14
2/1/14

DATE 6/23/2014
INVOICE 709860

NET 30 DAYS

| QTY | DESCRIPTION | Item # | Size | List Price | Savings % | Net Price | Amount | Total Savings |
|-----|-----------------------------|---------------|----------|------------|-----------|-----------|------------|---------------|
| 52 | 58 Kecks Food Release Spray | KF-1312 | 6/16oz | \$24.34 | 15% | \$20.69 | \$1,034.45 | \$182.55 |
| | 2 Via-CHL Test Strips | EP121 | EA | \$8.80 | | \$8.80 | \$17.60 | \$0.00 |
| 36 | Kecks Liq MDC | KF-004 | 5 Gal | \$57.08 | 20% | \$45.66 | \$1,643.90 | \$410.98 |
| 4 | CS GUARDALL | EP 705-2 | 2/1 GAL | \$22.44 | 15% | \$19.07 | \$78.30 | \$13.46 |
| 4 | Pivot | EC-305 | 5 Gal | \$78.65 | 15% | \$66.85 | \$267.41 | \$47.19 |
| 2 | CS-BARFOAM 2/1 GAL | EP419-2 | 2/1 GAL | \$21.54 | 15% | \$18.31 | \$36.62 | \$6.46 |
| 12 | Swell Sanitabs | EP-408 | 6/100 | \$31.42 | 20% | \$25.14 | \$301.63 | \$75.41 |
| 14 | Swell Oven/Grill | EP-1307 | 6/18.oz | \$23.13 | 15% | \$19.66 | \$275.25 | \$48.57 |
| 4 | Sparkleen(Non-Ammon) | EP-1304N | 12/19oz | \$27.44 | 15% | \$23.32 | \$93.30 | \$16.46 |
| 7 | Swell S/S Cleaner | EP1306 | 6/15.5oz | \$26.56 | 15% | \$22.58 | \$158.03 | \$27.89 |
| 4 | CS PINK LOTION | BT 010-4 | 4/1 GAL | \$24.83 | 15% | \$21.11 | \$84.42 | \$14.90 |
| 4 | Glide A.P.C. Concentrate | EP-710 | 4/1 Gal | \$37.35 | 15% | \$31.75 | \$126.99 | \$22.41 |
| 1 | Blockbuster III-C | EC-379-C | 4/9 lbs. | \$71.66 | 15% | \$60.91 | \$60.91 | \$10.75 |
| 2 | Kecks Premium Blue Pot/Pan | KF-011B | 5 Gal | \$34.92 | 20% | \$27.94 | \$55.87 | \$13.97 |
| 2 | Focus | EPC-22 | 2/1 Gal | \$37.35 | 15% | \$31.75 | \$63.50 | \$11.21 |
| 4 | X-TRA Rinse Fluid | EC-311 | 5 Gal | \$87.81 | 15% | \$74.64 | \$298.55 | \$52.69 |
| 10 | Black Kecks Cabinet | KF-808 CEEA | EA | \$2.47 | | \$2.00 | \$20.00 | \$4.70 |
| 10 | Kecks Antibac Hand Soap | KF805-6 | EA | \$48.51 | | \$38.09 | \$380.90 | \$104.20 |
| 1 | CS-RTU SANTIZER | EP720-6/22 OZ | 6/22 OZ | \$19.61 | | \$16.67 | \$16.67 | \$2.94 |
| 18 | CS REDEEM | EC 309-2 | 2/1 GAL | \$21.76 | 20% | \$17.41 | \$313.34 | \$78.34 |
| 9 | Dical | EP-679 | 2/1 Gal | \$25.09 | 20% | \$20.07 | \$180.65 | \$45.16 |

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| EPIC INDUSTRIES 1007 JERSEY AVENUE NEW BRUNSWICK, NJ 08901 | | | |
| TO: KECKS FOOD SERVICE 2796 ROUTE 328 MILLERTON, PA 16936 ATTENTION DON STUART | NET 30 DAYS | | |
| ORDER NUMBER 253272 P.O. 82495 | | | |
| | DATE 7/8/2014 | | |
| | INVOICE 710037 | | |

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| TO: | | KECKS FOOD SERVICE | | 2796 ROUTE 328 | |
| | | MILLERTON, PA 16936 | | ATTENTION DON STUART | |
| | | ORDER NUMBER 253372 | | NET 30 DAYS | |
| | | P.O. 82724 | | | |
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27-MAR-2015 Julie
TIME: 13:50:48

KEM'S FOOD SERVICE
INVOICE INQUIRY SORTED BY CUSTOMER

PAGE 1
INVINQ

Date range: 01/01/2014 to 12/31/2014

CUSTOMER

TAX

INV # PROD#

SIZE BRAND DESCRIPTION
PRIC/UNT WGT/UNIT POV LOV COM

TRUCK STA CAT QTY EXTENSION
PNTS DEPT ENTERED BY

44290 SISTERS FAMILY REST NCA 470410A130310
5 AIM PRICING 660535

CAS 5/160Z KECIS OIL RELEASE FOOD SPRAY 07-120 48 1 32.99
\$32.99
32.99

07/03/2014

*RAVEN-O

subtotals
Total Orders: 1

1

Cases: 1 B/C:

TOTALS

TAX 0.00

PRC/UNT 32.99

WEIGHT

QUANTITY 1

EXTENDED 32.99

8

(PRDING) 130310 CAS 6/160Z SWELL OIL RELEASE FOOD SPRAY

General Defaults Input



130310 CAS 6/160Z SWELL OIL RELEASE FOOD SPRAY

Product Inquiry - Pricing | Product Inquiry - Inventory Proc

| | | | |
|-----------------------|------------|----|-----------------------|
| Last Sale | 3/25/2015 | | |
| MTD Sales Units | | 96 | YTD Sales Units |
| MTD Sales Dollars | \$3,081.16 | | YTD Sales Dollars |
| MTD Drop-Ship Units | | 0 | YTD Drop-Ship Units |
| MTD Drop-Ship Dollars | \$.00 | | YTD Drop-Ship Dollars |

| Monthly Sales Units | | | | | |
|---------------------|-----|----|-----|-----|-----|
| | P1 | P2 | P3 | P4 | P5 |
| Cu | 111 | 94 | | | |
| Pr | 104 | 95 | 150 | 133 | 126 |

| | P8 | P9 | P10 | P11 | P12 |
|----|-----|-----|-----|-----|-----|
| Cu | | | | | |
| Pr | 126 | 169 | 147 | 101 | 120 |

OK

Cancel

A KECK'S FOOD SERVICE

BRIAN KECK

Start (PRDING) 130310 CAS...

Brian H. Keck
President - CEO
Keck's Food Service Inc.
2796 Route 328
Millerton Pa, 16936
1-570-537-2515 ext 212
1-570-537-3473 Fax
bkeck@kecksfoodservice.com
www.kecksfoodservice.com

9

MATERIAL SAFETY DATA SHEET

TRADE NAME: KECK'S FOOD RELEASE
KF 1312

SECTION I - IDENTIFICATION

COMPANY NAME.....EPIC INDUSTRIES
COMPANY ADDRESS.....1007 JERSEY AVENUE
.....NEW BRUNSWICK, NJ 08901
TELEPHONE NUMBER.....1 (800) 221-3742
EMERGENCY PHONE #.....1 (800) 255-3924 CHEM-TEL, INC.
PRODUCT HAZARD RATINGS: HEALTH=0, FIRE=4, REACTIVITY=0
PROTECTIVE EQUIPMENT: B(HMIG)
RATINGS LEGEND: 4=EXTREME, 3=SERIOUS, 2=MODERATE, 1=SLIGHTLY, 0=MINIMAL

SECTION II - HAZARDOUS INGREDIENTS

| HAZARDOUS COMPONENTS | HAZARDOUS% | TLV | PEL | CAS# |
|---------------------------|------------|---------|------|------------|
| HYDROCARBON PROPELLANT | 35 | 1000PPM | 1000 | 68476-85-7 |
| NON HAZARDOUS INGREDIENTS | BALANCE | | | |

UNIDENTIFIED INGREDIENTS ARE NOT CONSIDERED HAZARDOUS UNDER THE FEDERAL HAZARD COMMUNICATION STANDARD (29 CFR 1910.1200)

SECTION III - PHYSICAL DATA

BOILING POINT.....(F).....NA
VOLATILITY/VOL (%).....35%
SOLUBILITY IN H2O.....NEGLIGIBLE
EVAPORATION RATE(BUAC=1) SLOWER PH.....NE
FREEZING POINT (F)...NA
VAPOR PRESSURE....NA
SPECIFIC GRAVITY 20=1).76
APPEARANCE/ODOR.....DRY, MISTY SPRAY, SLIGHT FOAMING ON SURFACE. OILY ODOR.

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT.....NE
FLAMMABLE LIMITS..PROPELLANT LOWER FLAME LIMIT...2.3HIGHER FLAME LIMIT...9.5
EXTINGUISH MEDIA.....DRY CHEMICAL. CO2
FOR FIRE.....KEEP CONTAINERS COOL. USE EQUIPMENT OR SHIELDING AS REQUIRED TO PROTECT PERSONNEL AGAINST BURSTING, RUPTURING OR VENTING CONTAINERS.
UNUSUAL FIRE HAZARD... CONTAINERS MAY VENT, RUPTURE OR BURST AT ELEVATED TEMPERATURES. (OVER 54C - 130F)

SECTION V - HEALTH HAZARD DATA

OVEREXPOSURE EFFECTS....INHALATION MAY CAUSE DIZZINESS. DROWSINESS AND THROAT IRRITATION. EYE CONTACT MAY BE IRRITATING. SKIN CONTACT MAY CAUSE SLIGHT REDNESS, INGESTION OR AEROSOLS IS NOT A LIKELY ROUT, HOWEVER, PRODUCT IS OF LOW TOXICITY.

FIRST AID PROCEDURES:

EYES.....IN CASE OF EYE CONTACT FLUSH EYES WITH LARGE AMOUNTS OF WATER FOR AT LEAST 15 MINUTES WHILE HOLDING THE EYELIDS OPEN. GET PROMPT MEDICAL ATTENTION.

SKIN;...FLUSH WITH LARGE AMOUNTS OF WATER. IF IRRITATION PERSISTS SEEK MEDICAL ATTENTION.

REMOVE CONTAMINATED CLOTHING. WASH BEFORE REUSE.

INHALATION.....IF UNCONSCIOUS, REMOVE VICTIM TO FRESH AIR AND CALL A PHYSICIAN.

INGESTION.....CONTAINS PETROLIUM DISTILLATES, DO NOT INDUCE VOMITING, CALL PHYSICIAN IMMEDIATELY.

SECTION VI - REACTIVITY DATA

STABILITY..... STABLE

INCOMPATIBLE MATERIALS...NONE KNOWN

DECOMPOSITION PRODUCTS....CONTACT LOCAL POISON CONTROL CENTER IMMEDIATELY

SECTION VII- SPILL OR LEAK PROCEDURE

PROCEDURES.....SOAK UP WITH ABSORBENT MATERIALS AND DISPOSE AS OILY RAGS. AVOID EXCESSIVE SKIN CONTACT OR BREATHING OF VAPORS.

WASTE DISPOSAL METHOD.....DO NOT PUNCTURE OR INCINERATE CONTAINERS. GIVE EMPTY LEAKING OR FULL CONTAINERS TO A DISPOSAL SERVICE EQUIPPED TO SAFELY HANDLE AND DISPOSE OF PRESSURIZED CONTAINERS.

SECTION VIII- SPECIAL PROTECTION

RESPIRATORY PROTECTION.... NONE UNDER NORMAL USE. AVOID BREATHING VAPORS.

EYEWEAR.... SAFETY GOGGLES ARE WITH SIDE SHIELD RECOMMENDED.

VENTILATION.... LOCAL EXHAUST: PREFERRED MECHANICAL (GENERAL): SHOULD BE ON WHEN SPRAYING.

CLOTHING/PROTECTIVE GLOVES.... RUBBER GLOVES MAY BE USED IF SKIN IS SENSITIVE.

SECTION IX - SPECIAL PRECAUTIONS

DO NOT STORE WHEN TEMPERATURES COULD EXCEED 54C (130F)

SECTION X - TRANSPORTATION (D.O.T. CLASSIFICATION)

SHIPPING NAME = CONSUMER COMMODITY HAZARD CLASS = ORM-D

| | | | |
|-----------------|-------------------------|---------------------------|-----------------|
| APPROVAL | LAURENCE Y. LIOU | TECHNICAL DIRECTOR | 10/15/08 |
| | NAME | TITLE | DATE |

THE INFORMATION CONTAINED HEREIN HAS BEEN DEVELOPED BASED UPON CURRENT AVAILABLE SCIENTIFIC DATA. NEW INFORMATION MAY BE DEVELOPED FROM TIME TO TIME WHICH MAY RENDER THE CONCLUSION OF THIS REPORT OBSOLETE. THEREFORE, NO WARRANTY IS EXTENDED AS TO APPLICABILITY OF THIS INFORMATION TO THE USERS INTENDED PURPOSE OR FOR THE CONSEQUENCES OF ITS USE OR MISUSE.

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